

OF THE UNITED STATES.

Tuesday, January 19.

JUDICIARY BILL.

Mr. Chipman, of Vermont—

Mr. President—After the length of time which has already been consumed, and the abilities which have been displayed in this debate, I can have but little hope of exhibiting any thing new for the consideration of the Senate. Yet most anxious as I consider the decision to be made on the present question, involving consequences powerfully affecting the most important principles of the constitution, I cannot persuade myself to give merely a silent vote on the occasion. In the observations which I intend to make, I shall endeavor briefly to examine some of the principal arguments only, which have been offered in favor of the resolution on your table.

The arguments in support of the resolution have been reduced under two general heads,

1. The expediency of repealing the law contemplated in the resolution, and
2. The constitutional power of Congress to repeal that law.

To evince the expediency of the measure it has been said, that the system of 1793 was adequate to all the purposes of the national judiciary; and that the judges appointed under that system were competent to all the judicial duties required. Upon this, sir, I shall briefly observe, that from the number of terms of the supreme and circuit courts, and the immense distance to be travelled, the labor was unreasonably great. From the labors and fatigues of riding the circuit there could not be allowed time sufficient for those studies, and for that calm and deliberate attention which is so necessary to a proper discharge of the duties of a judge.

At times it has happened, that a supreme judge could not attend a circuit court; from this circumstance, the court in the district to which I have the honor to belong, has more than once failed to be holden. At other times the arrival of the judges has been so late, that the proper business of the term could not be completed. These failures occasioned very great delay, expence, and vexation, to the suitors; and we know, that the same or greater failures and delays have been happily been experienced in other parts of the United States, failures and delays which I cannot attribute to any criminal negligence of the judges, but to the burdensome duties imposed by that system, the infirmities and accidents to which we must ever be exposed, in the performance of labors so arduous and extensive.

To prove that, fir, judges of the supreme court must have been competent to all the varieties of that and the circuit courts, the honorable gentleman, who brought forward the resolution, drew a comparison from the courts and judges in England. He has told us, that in England there are but 12 judges, and three principal courts, that these courts embrace in their original or appellate jurisdictions almost the whole circle of human concerns, that the two courts of King's-bench and Common pleas, consisting each of four judges, entertain all the common law suits of 40s. and upwards, arising among nine millions of the most commercial people in the world; and that they have moreover the revision of the proceedings of all the subordinate courts in the kingdom, down to the courts of pieponder; and that from long experience these courts have been found fully competent to all the business of the kingdom. This statement, fir, is by no means correct. In England the House of lords is the supreme court of appeals in the last resort in causes both at law and in equity: instead of three there are four superior courts. The court of chancery in which are decided, all suits and matters in equity, including a very numerous and important class of causes. The courts of king's-bench, common pleas and exchequer, all of which have original jurisdiction in civil causes; and the king's-bench, beside being the highest court of criminal jurisdiction, has also the correction and revision of the proceedings of all the subordinate courts, by writ of error, or otherwise. The subordinate courts, which were barely mentioned, are very numerous. There are in England, exclusive of Wales, more than 40 counties, all of

which have their separate courts and judges. Some of the counties are regular franchises. Lancaster, Chester and Durham, have their separate courts, both of law and equity, which claim cognizance of causes and parties within their respective jurisdictions, even against the courts at Westminster. There are also an immense number of cities and towns corporate throughout the kingdom the courts & judges of which, though more or less limited in their jurisdiction, entertain a vast variety of civil suits. There are besides these, the high court of admiralty, which has an exclusive jurisdiction in maritime causes; the courts of the two universities, the prerogative court of the arch bishop of Canterbury, the archiepiscopal court of York, the diocesan and other ecclesiastical courts, having also an extensive jurisdiction of a civil nature in causes testamentary and those relating to the distribution of the goods of intestates.

Wales is a principality, and its courts have exclusive original jurisdiction within the territory. The great sessions is the highest court of the principality, from which a writ of error lies in the court of King's Bench. The subordinate courts and judges are equally numerous in proportion to the territory and inhabitants with that of England. I omit the courts of conscience and other inferior courts, and magistrates almost without number.—From this view, though imperfect, it is evident that the comparison attempted by the honorable gentleman is by no means favourable to his conclusion. The population of that country exceeds in number that of the United States by one-third, perhaps more, but its whole extent inclusive of Wales, though not comprehended in the *nisi prius* circuits, does not equal one of the circuits of the United States, under the system of 1798; and yet that country employs, it is believed, more courts and judges not only than the government of the U. States, but than all the individual states taken in addition. I do not however conceive that any advantage is to be derived from the comparison to the one side or the other. The situation of property and civil polity, numerous and complicated rights, introduced by ancient usages and supported by laws and habits, and by interests public and private, may render a greater number of courts and judges, a more extensive judicial system necessary in one country than in another. I think it ought to be laid wholly out of the question.

It has been said that a knowledge of the local laws, of the customs and manners of the several states, is necessary to the judges of the supreme courts, and cannot be dispensed with on appeals in causes arising in different parts of the union, and that the judges can acquire this knowledge in no way but by attending the circuit courts in the several states. But let me observe, fir, that the laws of the several states, which vary from the common law, are to be found in their statute books, in the decisions of their courts and their rules of practice, for no custom can as such become a law, until it shall have been adopted by usage and established by judicial decisions. All these may be made to appear on an appeal either on the face of the record, as the pleadings, or in a special verdict, or by proper exemplification, and will afford the court in such case a more correct knowledge, than the recollection of a judge, of what he has caught in the hurry and fatigue of the circuit.

A further objection has been urged against the continuance of the present judicial system, from the additional number of judges which it has introduced, which, it is said, may prove dangerous to the liberties of the country. An honorable gentleman from Georgia (Mr. Jackson) cited the opinion of an author who has written on the British constitution, that the greatest political evil which could befall a country was the existence of large judiciary bodies, and who had illustrated his ideas on that subject by instancing the parliaments of France.— This observation does not, neither was it meant by the author to apply to any particular number of courts, or due subordination; each consisting of a small and limited number of judges, and employed solely in proper judicial business. But it applies with force to courts composed of numerous bodies of members, and who in addition to their proper judicial functions, are permitted to assume an authority in the political concerns of the country.

cerns of the nation. Such were the parliaments of France, the late judicial courts of that country; particularly the parliament of Paris. The body of members was very numerous, and as it was necessary that all royal edicts, before they were to be considered as laws, should be registered in that court, they claimed the right of deliberating and deciding on the registration of any edict offered by royal authority, and consequently of permitting or refusing it the sanction of a law. With this claim the body certainly became dangerous to the existing government, and the contest which ensued between them and the king on this subject, had no doubt a powerful effect in precipitating the late revolution in that country. But there is nothing in all this which can be applied to the courts of the United States. Let me observe, sir, that there has always appeared to me, in the system of 1793, which is sought to be restored, a very great and manifest impropriety.—The circuit courts were in that system, though subordinate, in some measure blended with the supreme court, one or more of the judges of the supreme court being always judges of the circuit courts.—This rendered the supreme court a fluctuating body, some of the judges of the supreme court being always excluded in the decision of causes coming by appeal from the different parts of the United States. And when two supreme judges held the circuit courts, of the four remaining judges, who were to decide on an appeal, three might reverse a judgment against the opinion of the fourth, and the opinion of the two judges in the circuit court. This has always appeared to me, to say no more, a very glaring impropriety in that system. The circuit courts under that system have indeed been compared to the *Nisi Prius* courts in England, but the slightest attention will convince any one that they do not compare. The circuit courts in our system are courts of original and distinct jurisdictions; not so the courts of *Nisi Prius* in England—they are considered as a branch of the superior courts at Westminster, and are held by a commission of office usually issued to a judge of one of the superior courts, and an associate for each of the six circuits into which England is for that purpose divided. When a cause in any of the superior courts is by the pleading, put on an issue of fact, it is with the record sent to be tried at *Nisi Prius* by a jury of the proper county; instead of calling up a jury to try it at bar in Westminster Hall. After the trial at *Nisi Prius*, the verdict with the record is remitted to the court, out of which it was sent, and there the opinion of the *Nisi Prius* judge and the conduct of the jury are examined and considered as matters passing in the same court. Here then the comparison wholly fails; there is no similarity between the two systems, except that of a judge riding the circuit.

Here, sir, I shall waive any farther observations on this part of the subject, and come to the great question which it is necessary to decide. Have Congress the constitutional power to repeal the law contemplated by the honorable mover of this resolution? To abolish the courts established by that law, put down the judges and abolish their salaries? It is true, as was observed by the honorable gentleman from Georgia (Mr. Baldwin) that the resolution does not necessarily involve that question, because the repealing act, if the resolution should be adopted, may be so modified as to avoid any difficulty on the great point. But as the honorable mover avowed his intention to be an abolition of the courts, the offices of the judges and their salaries, and as the principal arguments have in the course of this debate been directed by that view of the subject, I shall be permitted to consider it on that ground.

One source of argument in favor of the measure proposed, has been derived from the powers considered as incident to every legislative body. It is said that a power to repeal all its legislative acts is inseparably incident to every sovereign Legislature—that the act, the repeal of which is contemplated, is a legislative act of Congress, therefore, Congress necessarily have the power to repeal it—that to admit the contrary, is to say that the power of Congress at one time is not equal to its power at another time—that a subsequent may be bound by the acts of a former Congress, contrary to a very important maxim in legislation—in

a word that it is to make the creature greater than the creator; as it denies to Congress the power over its own acts, which it has passed, and will in course put a stop to all amendments, all improvements of our laws. This doctrine, here meant to be asserted, is not in the full extent applicable to the legislative powers under our constitution. There are acts which Congress are by that instrument expressly denied the power of passing—there are acts which whenever passed, Congress cannot repeal, or rather the effects of which they cannot even suspend, much less can they destroy. They are expressly denied the power of passing *ex post facto* laws; and this applies no less forcibly to a repealing act than to any other act—it is, by its operation, that the nature of the act is in this case determined. Every act which by its operation attempts to divest any right previously acquired, whether by a former act of legislature, or by any other lawful means of acquisition is in name, nature and essence *ex post facto*.

Indeed, sir, I apprehend that some gentlemen have been led into a mistake on this subject, by an incautious admission of maxims and theories of legislative powers in another government; but which do not apply to our government, as instituted and limited by our constitution. There are, sir, in every nation two kinds of legislative powers. The one is original and extraordinary; and may be called the power of political legislation. It is by an associating nation employed in forming and organizing the government, in disposing its powers and defining, or limiting their exercise. The other is derivative, the ordinary power of legislation, and is employed in the civil regulations of the community. In the first consists the political sovereignty of the nation. This power is transcendent. It is paramount to all other powers in the nation. It can create powers, rights and duties, and can abolish them at pleasure; not because what it does, is always wise or even just; but because no other power in the nation can have a right, or can be equal to controul its operations. In Great-Britain, from ancient usage, the consent of the nation witnessed by long and general acquiescence, both the ordinary and the extraordinary powers of legislation are considered to be vested in the parliament of the nation—acting in this capacity of political sovereignty of the nation, the British parliament can create rights, and can destroy existing rights at will; although in exercising such acts of power, they proceed with great caution, and are careful to indemnify individuals whose rights they may have injured. In this capacity, it can, as it has been done, new model the government. It can fix and alter the duration of parliaments, and change and limit the descent of the crown. Indeed vested with this power, in addition to the ordinary powers of legislation, the figure is hardly too bold, by which when acting on subjects within the reach of its authority, it is said to be omnipotent. Not so the Congress of the United States, they possess not that transcendent power, that uncontrollable sovereignty of the nation; they possess the ordinary powers only of legislation, and these powers they derive under the constitution of the U. States: by this instrument their powers are instituted, limited and defined. This instrument is the act of the political sovereign, the people of the U. States. To them it was proposed, and they through their agents empowered for that purpose enacted it the fundamental and supreme law of the national government. They have said, as they had a right to say, on this subject Congress shall act; or that they may act at their discretion; here the congressional power is limited, there is placed a barrier which shall not be passed. Congress, as I observed, possess not this paramount power; but in one mode, provided for altering and amending the constitution, they are under certain restrictions, permitted an inceptive power. They have a right to originate proposals of amendments, which when ratified by three fourths of the State legislatures, to which the national sovereignty is in this instance referred, are adopted into and become a part of that instrument; in another mode, the state legislatures have the power of inception.—They also may originate proposals of amendments, which congress must refer to a convention of the people for their ultimate acceptance and ratification.—

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In this instance alone have the people of this country reserved to themselves a portion of the national sovereignty, in the exercise of which only is found that voice of the people, which, because it is not to be resisted, is sometimes called the voice of God. This, sir, is the authority of that supreme law under which we act, the constitution of the United States; an authority indispensibly binding. We have no right, when we wish to carry a favorite measure to which we find some barrier opposed by the constitution, to prostrate or overleap that barrier. We have no right to say that the national sovereign, could it now be consulted, would dispense with the limitation, would remove the barrier, which, in our present opinion, stands opposed to the public good. No, sir, we may not approach this ground. It is dangerous, it is an usurpation of the national sovereignty. We are but agents of the nation acting under a limited authority. All our acts which exceed that authority are void.

These are the principles to be applied in the investigation of constitutional powers.—Let us then examine the constitution upon these principles, and fairly determine whether we are permitted the power for which it has been contended, the constitutional power to remove a judge, by abolishing the office, and consequently to deprive him of his salary? The first provision which we find in the constitution relating to the judicial department is in the second section, where among other powers enumerated, it is declared that Congress shall have power "to establish tribunals inferior to the supreme court."—Upon this it was observed by the honorable gentleman from Georgia (Mr. J.) that this being a grant to Congress of a legislative power to establish inferior courts, necessarily includes the incidental power to repeal; that this being a first grant cannot be restrained nor taken away by any subsequent provision in the constitution upon the same subject; that we are to take the rule of construction that the first grant and the first words of the grant in a deed, shall prevail over a subsequent grant or subsequent words of a different import.—Are we, indeed, sir, to apply in the construction of the constitution, the law, the supreme law of the nation, the rules devised for the construction of a deed, a grant, by which a few paltry acres are transferred from one individual to another? No, sir, very different are the rules of construction; the first act of the grantor but the last act of the legislature shall prevail; or where in any case is the power to repeal? Another rule more universally applicable is, that you shall so construe a law that every part of it if possible may stand together, that every part may have its operation. Thus if there be a general provision in the former part of a law, and there follows a particular provision, which cannot take effect unless some part of the former provision be set aside, the latter shall be considered as a limitation of the former, and which shall be carried into effect so far only as it is not incompatible with the latter.

(To be continued.)

SALEM, January 28.

Arrived the schooner Friendship, capt. William Dennis, 29 days from Guadeloupe, via the Vineyard. Left at Guadeloupe, Feb. 1, White, of this port; schooner —, Rappel, of Newburyport, to sail in 4 days; capt. Griffin, in a schooner belonging to Newburyport, was at the Mole. Left the Vineyard on Tuesday last, in company with the schooner Success, Davis, from Barbadoes, for Cape Ann, and a schooner bound to Newburyport. Spoke nothing. Markets dull at Guadeloupe—Fish 4 1/2, beef 17, pork 22 a 26, lumber 25 dollars; butter and lard 25 cents per lb. West-India produce very high. Died on board the Friendship, Mr. George Phips, of this town.

NEW YORK, February 6.

Extra of a letter from a gentleman at Washington, N. C. to his friend in this city, dated January 23.
"The ship Flora, Thistle, owned by Hitchcock and Hopson, of New York, was driven ashore on the 15th instant, about 30 miles to the northward of Cape Hatteras, on her passage from your port to Charleston: cargo mostly saved; vessel still on shore."

Arrived, Feb. 11, Hannah, Phila-

delphia; Sloop Patience, Montgomery, do.

Cleared, ship Catharine, Ingersoll, N. Orleans; brig Dyett, —, do. Molokai, —, Cadiz.

The ship Mary, Dorgan, arrived at Trinidad the 17th December.

BALTIMORE, February 7.

Arrived, brig Paisley, Johnson, from Cape-Francois.

List of vessels at Cape-Francois, taken from Buzby's Marine List, January 23, 1802.

Ships America, Craig, Philadelphia; Hannah, Moore, do. Success, Gardner, Charleston; Mutton, (formerly the Helana) Vauclain, loaded for Havre-de-Grace.

Brigs Maria, Tarris, Philadelphia; Amphetrite, Spence, do. James Steward, Chonock do. Sally Howlin, New York; Hope, Lee, do. Nymph, Woodman Newburyport; Lear, Low, Baltimore; Furlong, do. Mentor, —, Philadelphia; Julia, Holt, do.

Schr's Eliza Ann, Refs, Norfolk. Alexandria, Russell, Philadelphia; Harmony, Levering, Norfolk; Lydia, Brown, Philadelphia; Lightning, Graham; N. York; Sally, Verry, Salem; Pigou, Philadelphia.

Sailed the 24th January,

Brigs Paisley, Johnson, of N. York, for Baltimore; Dove, Lambert, of and for Boston; George, Cox, of and for Norfolk; Schr's Berly, Foster, of and for Savannah; Paragon, —, of and for N. York.

Brig Abigail, of Philadelphia, captain Redenbrough, bound to Bourdeaux, from Philadelphia, lost all her men overboard, in a gale of wind; was lost on the reef of this harbour, coming in, with several feet water in her hold—after being at sea 30 days.

Brig William, Chew, of Norfolk, put in here in distress, and was condemned.

Schr's Rover, capt. Veacock, of Philadelphia, came in with the loss of her masts, bound to Port Republic.

Also, ship Sally, captain Smith, Passamaquoddy.

Also, the Hamburg Hercules, captain Cooper, from Bourdeaux. Left there a number of Americans vessels, names not recollected.

Also, Schr's Ariel, Belt, Jacquemel. List of vessels left at Jacquemel, by the Schr's Ariel, capt. Belt.

Ships Spartan, Thomas, of Boston, for Jamaica; Olive Branch, Caffon, Philadelphia; Henrietta, Jones, for Baltimore; Sloop Ruby, Beckford, for Boston; Schr's Paragon, N. London, Morgan, for New Orleans; Jolly Bacchus, Gallagher, for Philadelphia; Experiment, Jenne, of Baltimore.

Schooner Ariel failed in company with the brig Spanish Lady, True, for Philadelphia.

Also, the Prussian brig Fentonia, Bendelain, 4 months from St. Petersburg, (Russia).

February 8.

Arrived, the Bremen ship Wefer, captain Walker, from Bremen. Jan. 26, lat. 32, long. 60 1/2; spoke the sloop Two Sisters, Quaburg, from Norfolk, bound to St. Croix, in a leaky condition.

AUGUSTA, January 27.

Last evening was committed to goal in this place, William Fuller, the Western post-rider, charged with robbing the mail of the United States. With the particulars of the transaction, we are not at present fully acquainted.—It appears that the rider was observed on the road travelling towards Augusta with the mail behind him, and with the remnants of several letters in his hand, which he appeared to be destroying—several parts of letters and post-bills and one letter were found in the road, and the covering of a mail directed "Augusta"—these circumstances induced the post-master at Columbia court-house, when the rider arrived at his office to arrest him, when he confessed that a small hole had been worn in the mail Portman-teau, thro' which he contrived to get a packet or mail of letters—that out of one of the letters directed to Petersburg Virginia, he took 75 dollars, and out of another directed to Mr. Rhodes, in Savannah, he took two hundred dollars—the money he pocketed, and destroyed all the letters in that packet; 220 dollars of the money were found upon him—these are all the particulars at present within our knowledge.

The post-master at Augusta, is for to have occasion to mention, that the

mail coming from the western part of this State, was robbed on Sunday last by one of the post riders. What letters were destroyed, or what money taken is not known; the rider informs that the packet from Sparta only was opened, but as he acknowledges also, that money was taken from a letter directed to Virginia, and also from one for Savannah both of which would not probably be in the same mail; it is more than possible other mails may have been opened and their letters destroyed. If the post-masters to the westward will transmit to this office, copies of the post-bills sent by that mail, such letters as were missing for places out of the State may possibly be ascertained.

WM. J. HOBBS, P. M.

NORFOLK, February 4.

Arrived the brig Penelope, capt. Douglas, from Lisbon. Left there the ship Sally, Dove, of and bound to Baltimore, to sail in 20 days. Jan. 27, in lat. 35, 46, long. 70, spoke the Schr Adventure, capt. Lillibridge, from Amsterdam, but left from Havre-de-Grace, out 44 days, bound to Philadelphia, who informed that he had fallen in with a large fleet of ships of war, supposed to be destined for St. Domingo.

Arrived the Schr. Eliza, capt. Cox, from Turk's Island. Informs it was currently reported at the time he sailed, and generally believed, that an embargo had taken place at the cape a few days before.

Alexandria Advertiser.

THURSDAY, FEBRUARY 11.

At a meeting of the Common Council yesterday,

Alexander Smith was chosen Mayor.

Edmund J. Lee, Recorder.

George Slacum, Joseph Dean, Aldermen.

Abel Janney, Thomas Irwin,

Mr. John Potts was chosen Councilman instead of Mr. Dundas who refused to serve.

Extra of a letter from William Kirkpatrick, Esqr. to the Secretary of State, dated at Malaga, September 23, 1802.

"I am happy in having it at last in my power to announce to you, that the rigorous quarantine, which has been imposed for near a twelve month past on all vessels from America, has at last been reduced to ten days, which is a great alleviation to our merchant vessels trading to this country."

From the National Intelligencer.

On Monday the House of Representatives engaged in discussing a motion made by Mr. Giles, for repealing the act for the establishment &c. of the mint.

The bill being in committee of the whole, Rutledge moved that the committee be referred to a select committee.

This motion was supported by Messrs. Rutledge, Gilchrist, Dana, Elmer, Mitchell, Bunker and Dennis; and opposed by Messrs. Bacon, S. Smith, Randolph, Giles and Macon.

On the question, the motion for rising was lost—yeas 33—Nays 54.

The resolution was then agreed to and reported to the house; when Mr. Rutledge renewed his motion for a reference of it to a select committee, which, after a debate that was protracted to 5 o'clock, was lost—yeas 33, nays 54.

The House then concurred with the committee of the whole; and a committee was appointed to bring in a repealing bill. (Debate in course.)

The Speaker informed the House that he had received a confidential communication from the President of the United States—the reading whereof was postponed until the next day.

Mr. D. Heister reported a bill supplementary to an act entitled, "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States;" which was read twice, and made the order for Thursday next.

On Tuesday a confidential communication from the President of the United States was read with closed doors.

The House went into committee of the whole, Mr. Varnum in the chair, on the bill making partial appropriations for the year 1802, which was reported with an amendment, agreed to by the House,

and ordered to be engrossed for a third reading to-morrow.

An engrossed bill, to allow drawback of duties on goods exported to New-Orleans, &c. was read a third time, and passed—Yeas 45—Nays 24.

The House went into committee of the whole; Mr. John C. Smith in the chair, on the bill for the relief of Samuel H. Howard, and other officers of the courts of Maryland.

[The following is translated from a Paris paper of the 28th of November, received at the office of the U. S. Gazette.]

PARIS, November 5.

The following letter is addressed by the minister of the interior, to the members of the councils of commerce established in the seaports.

"The time has arrived, citizens, when commerce must resume its activity and receive all the development of which it is susceptible.

"It is the intention of government to hasten it by every means in the power of the administration; but their intentions would be frustrated, if any hazardous and precipitate measures should obstruct that commerce, the efforts of which they wish to second.

"It is important then to obtain such knowledge and information as may direct the administration; and it is for this purpose, that I apply to you to know your opinion relative to certain objects concerning commerce and interesting to the government on this subject.

"You are aware that ten years of revolution have changed our habits; have created new wants and formed new relations among the people. You will judge what is necessary, in our present situation, to study, and what principles and rules it will be proper to adopt for the direction of our conduct.

"To come more speedily and more directly to the point, I hasten to fix your attention upon the objects which, to me, appear the most important, and which require the most speedy determination.

"I invite you then to give, to the following questions, answers examined with precision and such as may present a conclusion.

1st. Do you think it would be beneficial to commerce to re-establish the great companies which formerly existed, such as the India company, the African and Senegal companies, &c.? In case of the affirmative, under what form and upon what conditions would it be proper to revive them?

2d. What changes have taken place in our commercial relations with our American colonies? Does the new order of things, which has been introduced, and the present state of our cultivation require any new measures of administration more adapted to their circumstances?

3d. Are there in our navigation laws relative to foreign vessels, any regulations which tend to obstruct our intercourse with the nations in the North of Europe? What are the most proper means of increasing that intercourse and of rendering it more active?

4th. Does not the state of our commercial navigation require that some measures should be taken to favor maritime expeditions, by giving greater facility to the acquisition and construction of merchant vessels, to the procuring of hands, and the greatest economy in our navigation?

5th. Do the list of duties for 1791, and the laws and regulations which have since been adopted, and which are now in force allow the opportunity for any claim? and upon what are they founded?

6th. What are the obstacles which oppose our commerce in foreign countries, produced by their regulations and their imposts? Point out the countries, the objects and, at the same time, the reasons for opposing them.

7th. What are your ideas as to the most economical means for keeping your harbor in good order, for the direction of the works, and the management of this department?

These, citizens, are the first points upon which I wish for accurate information, in order to fix the principles of administration which I have to propose to the government.

You may observe, that among these questions, some are general, embracing the whole commercial interest of the nation, and others are particular and local; you will easily distinguish them, observing, nevertheless, that in order to second the intentions of the government all must aim at the same point, the public good, and the good of commerce in general."

POTOMAC COMPANY.

THE Locks at the Great Falls being now completed & boats consequently being enabled to pass without interruption to tide water, the president and directors have established toll-gatherers, at Williamsport, Hookes' Falls and the Great Falls, who will receive the respective tolls authorized by law as per table subjoined, and they require all persons who use this navigation, to observe the following regulations, which have been deemed indispensably necessary, for the interest of the institution, and the accommodation of the public.

No boat will be permitted to pass the locks at the Great Falls, until the whole tolls payable are discharged; but to obviate the delay of stopping at the different places above the Great Falls, where tolls are demandable, any person may pay the whole tolls chargeable on such boat and cargo, to the toll-gatherer at the Great Falls. The President and Directors, however being desirous of affording every accommodation to the inhabitants of the upper country consistent with the interest of the company, have authorized the Treasurer to enter into such arrangements with the owner or consignee of produce coming down the river, as will save the trouble and inconvenience which may arise from exacting immediate payment of the tolls on each particular cargo, as stipulated by law. Upon application to the treasurer at George Town, and securing to his satisfaction the payment on demand in George Town, the City of Washington, or Alexandria, of tolls on produce expected down the river, he is directed to give instructions to the toll-gatherer at the Great Falls, to allow such produce to pass, on receiving from the person entrusted with the carriage of such produce, his order, or the order of the owner or shipper of the same, for tolls payable thereon upon the person or persons residing either in George Town, the City of Washington or Alexandria, according as may have been previously arranged with the treasurer as

stated, but in all cases the amount of the tolls is to be ascertained and endorsed on said order by the toll-gatherer.

It is recommended to all persons carrying produce or other articles down or up the river, to bring with the same a manifest signed by the shipper, shewing the place of shipment, the number of packages and contents, to whom belonging, and to whom consigned, in order to enable the toll-gatherers to ascertain the different tollage to which the cargo is subjected, without the trouble and detention to the parties concerned, of unloading the cargoes for that purpose, and to avoid all disputes respecting the payment thereof.

All persons attempting to defraud the company, by passing any of the places where the tolls are payable and not discharging the same at such place or at the Great Falls as herein provided for, will be informed against by the agents of the company, and prosecuted to the utmost extent of the law.

On articles landed at Warr's branch, the same tolls must be paid as are demandable at the Great Falls. Upon articles coming down the river, no tolls are payable at the Little Falls, except upon such as have not passed the Great Falls, and no tolls are payable at the Little Falls upon articles passing up the river, except upon such as may be unloaded between the Little Falls and the Great Falls. The rates of tolls at the Little Falls are the same as at Conegocheague.

JAMES KEITH, President,
JOHN MASON,
WILLIAM H. DORSEY, } Directors.
JOHN LAIRD.

January 6, 1802.

TABLE OF TOLLS.

	TOLLS IN STERLING MONEY, AS ESTABLISHED BY LAW.			SAME TOLLS REDUCED TO THE CURRENCY OF THE UNITED STATES.					
	At or near the mouth of Conegocheague.	At or near Hookes' Falls.	At the Great Falls.	At or near the mouth of Conegocheague.	At or near Hookes' Falls.	At the Great Falls.	At or near the mouth of Conegocheague.	At or near Hookes' Falls.	At the Great Falls.
	Sh. Pence.	Sh. Pence.	Sh. Pence.	Dolls. Cents.	Dolls. Cents.	Dolls. Cents.	Dolls. Cents.	Dolls. Cents.	Dolls. Cents.
Every pipe or hoghead of wine, containing more than 63 gallons,	1 6	1 6	3	33 18-54	33 18-54	66 36-54			
Every hoghead of rum or other spirits,	1 3	1 3	2 6	27 42-54	27 42-54	55 30-54			
Every hoghead of tobacco,	1 3	1 3	2	22 12-54	22 12-54	44 24-54			
Every cask between 65 and 35 gallons, one half of a pipe or hoghead; barrels one fourth part; and smaller casks or kegs in proportion according to the quality and quantity of their contents of wine or spirits,									
For casks of linseed oil, the same as spirits,									
Every bushel of wheat, peas, beans, or flax seed,			1	50-54	50-54	1 46-54			
Every bushel of Indian corn or other grain, or salt,			2	25-54	25-54	50-54			
Every barrel of pork,	6	6	1	11 6-54	11 6-54	22 12-54			
Every barrel of beef,	4	4	8	7 22-54	7 22-54	14 44-54			
Every barrel of flour,	3	3	6	5 30-54	5 30-54	11 6-54			
Every ton of hemp, flax, pot-ash, bar or manufactured iron,	2 6	2 6	5	55 30-54	55 30-54	1 11 6-54			
Every ton of pig-iron or castings,	10	10	1 8	18 28-54	18 28-54	37 2-54			
Every ton of copper, lead, or other ore, other than iron ore,	2	2	4	44 24-54	44 24-54	88 48-54			
Every ton of stone or iron ore,	5	5	10	9 14-54	9 14-54	18 28-54			
Every hundred bushels of lime,	3	3	2 6	27 42-54	27 42-54	55 30-54			
Every chaldron of coals,	5	5	10	9 14-54	9 14-54	18 28-54			
Every hundred pipe staves,	2 1	2 1	4 1	4 9-54	4 9-54	8 18-54			
Every hundred hoghead staves, or pipe or hoghead heading,	1 1	1 1	3	2 42-54	2 42-54	5 30-54			
Every hundred barrel staves, or barrel heading,	1	1	2	1 46-54	1 46-54	3 38-54			
Every hundred cubic feet of plank or scantling,	10	10	1 8	18 28-54	18 28-54	37 2-54			
Every hundred cubic feet of other timber,	5 1	5 1	11	10 10-54	10 10-54	20 20-54			
Every gross hundred weight of all other commodities or packages,	1 1	1 1	3	2 42-54	2 42-54	5 30-54			
And every empty boat or vessel, which has not commodities on board to yield to much, except an empty boat or vessel returning, whose load has already paid at the respective places the sum fixed at each, in which case she is to repay toll free.	2 6	2 6	5	55 30-54	55 30-54	1 11 6-54			

N. B. A barrel of flour brought from above Conegocheague to tide water pays for tolls in all, 22 cents and 2-9ths of a cent.
A hoghead of tobacco brought from above Conegocheague to tide water pays for tolls in all, 88 cents and 8-9ths of a cent.

House of Entertainment.

Randolph Mott, RESPECTFULLY informs his friends and the public in general, that he has opened an INN in the Town of Alexandria, in the house lately occupied by Captain Charles M'Knight, where he intends using his utmost exertions to give general satisfaction to those who may favor him with their custom, which from his experience in the business he flatters himself he shall be able to do on the most reasonable terms.
January 5. raw270

JUST RECEIVED

4th proof Jamaica Rum of an excellent quality.
Loaf, lump and brown Sugar,
Malaga Wine in quarter casks,
Pimento,
Soft shell'd Almonds;
A small consignment of
Irish Linens and Calicoes,
And a parcel of red Clover Seed.
HEWES & MILLER.
No. 4. co3w

FALL GOODS.

CUTHBERT POWELL has received, per the Eliza, from Liverpool, an Importation of Fall & Winter Goods, which he is now opening at the Store, lately occupied by Messrs. A. and W. Ramsey, on King Street, and which he offers for sale on moderate terms by the piece or package.
Also,
25 Crates Earthen Ware, well assorted. Sept. 20. co

LIVERY STABLE, AND HORSES & CARRIAGES TO HIRE.
THE subscriber respectfully informs the public that he takes horses on livery, and keeps some excellent horses and carriages to hire.
Also,
A few good SADDLE HORSES for sale.
Apply in part of the house formerly the Swan Tavern, King Street, to JOHN HODGKIN.
Jan. 25. co317

Valuable Property for Sale.

Seven hundred and eighty-eight acres in the county of Hampshire, on the waters of Great Cape Capon, about 20 miles from the Warm Springs, and 30 from Winchester. This land is full of wood, oak and pine timber. Two excellent farms may be made, with 30 to 50 acres of bottom, and rich high lands to each; and in the heart of the timber there is a fine seat for a saw mill. Capt. Daniel Rice will shew the lands.
Three thousand eight hundred and forty-five acres in the county of Ohio, on the waters of Grays and Fish Creeks, near the river Ohio, and about 30 miles below Pittsburgh. Some of these lands are very good, with considerable quantities of rich bottom, and plenty of excellent timber. Robert Woods, Esq. the Surveyor of that county will shew these lands.
I will sell all or any of the above lands for cash or upon credit, or take in exchange for them lands in Fairfax County, or lots of land in the city of Alexandria, or the city of Washington.
R. T. HOOR.
October 27. co

For Sale or Rent, THAT handsome, convenient three story BRICK HOUSE, lately occupied by Edmund J. Lee, Esq. in King Street, a few doors west of Pitt Street.
SAMUEL CRAIG.
Dec. 15. co317

In the Case of Andrew Ramsey and Wm. Ramsey, Bankrupts.

LAST MEETING.
The Commissioners in a commission of bankruptcy awarded and issued against Andrew Ramsey and Wm. Ramsey, of the town of Alexandria, in the district of Columbia, intend to meet on Thursday the eleventh of February next, at three o'clock in the afternoon, at the Washington Tavern in Alexandria, in order to take the last examination of the said bankrupts, when and where they are hereby required to surrender themselves, and undergo their final examination; at which meeting the creditors are to choose an assignee or assignees; and the creditors who have not hitherto proved their debts, under the said commission, may then and there attend and prove the same, and assent to or dissent from the allowance of the said bankrupt's certificate.
By order of the Commissioners.
HENRY MOORE, Secretary.
Jan. 29. co317

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Vol. II.]

Sale

On SATU

At ten o'clock, with

Rum in h

Sugar in
Coffee in bags,
Soap and Candles
Raisins in
Starch in
Tobacco in

A quantity

Kendal

Kerseys,
Halticks,
Plaids, Coats
Dottis, Flann
Irish and Shet
German Ozna
Calicoes, Dur
Shawls, Hand
Ladies' Silk
Sewing Silks,

Feb. 8.

At ten o'clock

3d and

Jamaica Rum
French Brandy
Holland Gin
Teneriffe Wine
Cordials in bl
Sugar in hds
Molasses in h
Rice in tierces
Soap in boxes
Queens and B
Handsome affor
30 boxes Flava
Cotton in

A variety

Broad an
Fannels
Carpets an
Irish and Ger
Worsted and
Calicoes and
A variety of
Kerchiefs and Sh
Table Cloths
Boots and Sh
Hardware, an
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Feb. 8.

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JAMES
JOHN
JOHN
Feb. 5.